



Rocky Mountain
ENVIRONMENTALSM
ASSOCIATES, INC.

WA
RECEIVED
JUN 01 2009
DEPARTMENT OF
WATER RESOURCES

May 28, 2009

Shelley W. Keen
Idaho Department of Water Resources
P.O. Box 83720
Boise, ID 83720-0098

Dear Mr. Keen:

Re: Permit No. 22-13709

Idaho Holdings, LLC, received notice that the Idaho Department of Water Resources (IDWR) had established a new water right permit for water storage to maintain two wildlife ponds on property in Teton County (Section 33, Township 5N, Range 45E). The source of water for the ponds is both groundwater and surface water. The new water right requires that Idaho Holdings Must construct lockable headgates and measuring devices on the ditches transporting water to the subject ponds. We are asking for relief from these requirements.

Each pond is at the terminus out an irrigation ditch that transports water from the neighboring property to the East. If water overflows either pond there is no ditch or other conveyance to transport water downstream to the west (see attached map of Pond Locations). On those occasions when there is overflow water, it spreads out in wetlands and pastures to the west of the ponds. Since there is no means of transporting water to a downstream user, lockable headgates and measuring devices seem unnecessary. Furthermore, the ponds only receive irrigation water when the landowner to the east can divert it to them. This arrangement is completely acceptable to Idaho Holdings, LLC. There have been no complaints or problems with the amount of water received. Indeed, the ponds are largely sustained by groundwater from a shallow watertable. This is solely a water storage right.

There is a relatively new headgate to the southern most of the two ponds (Pond 2). This headgate facilitates water management between the pond and a tributary ditch. The head gate can be altered to become a lockable gate, but that does not seem to be necessary since water cannot be conveyed to a downstream user via the ditch to the pond or via its tributary ditch. Again, all irrigation water passing through these two ditches ultimately spreads out over pasture on the subject property.

We have discussed the requirements and our rationale for requesting relief with Tony Olenichak, the Assistant Watermaster for this water district. Mr. Olenichak has agreed that our request is reasonable, but he does not rule on this matter. He did state that he would discuss the issue with you and apprise you his opinion.

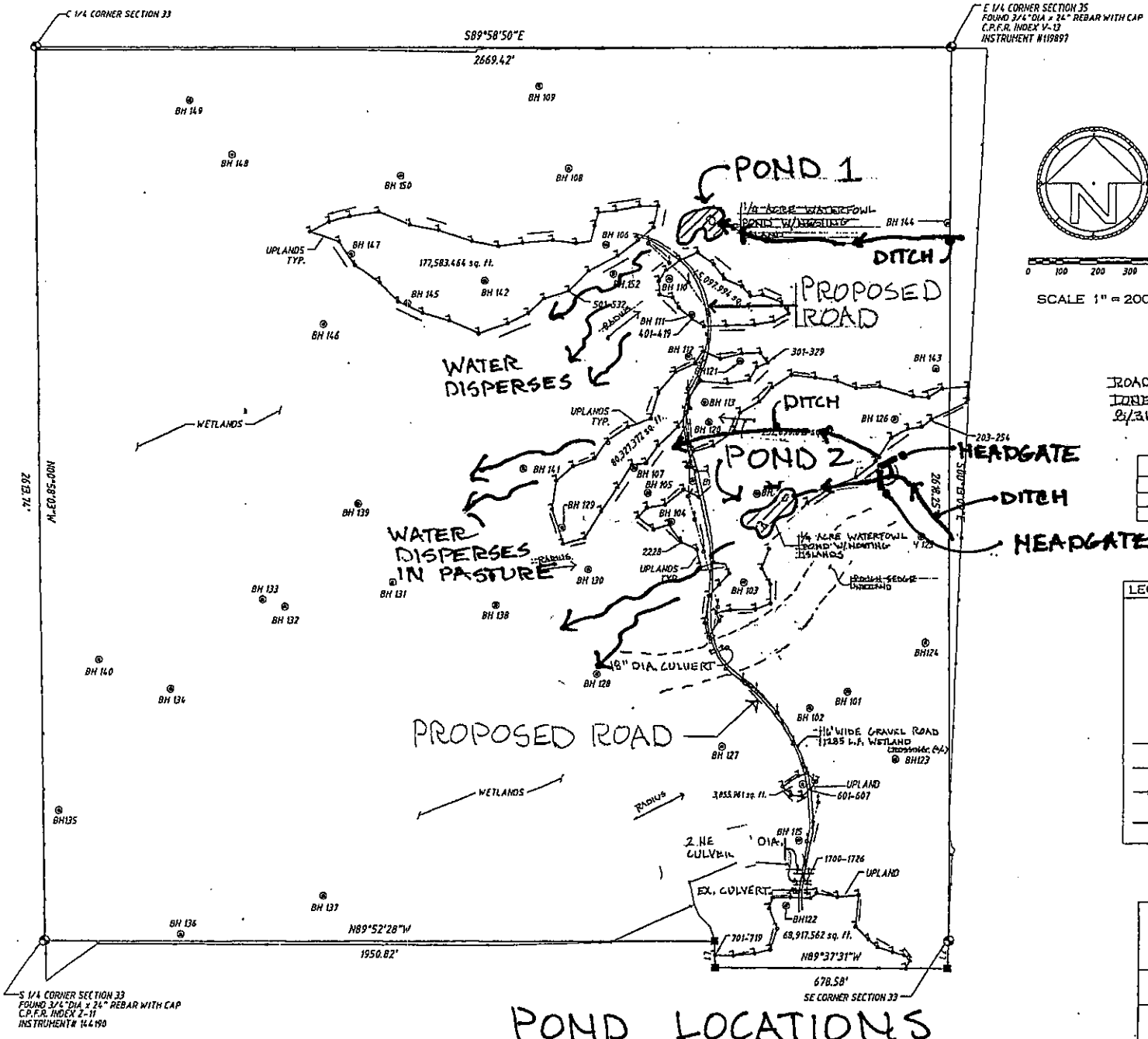
Please advise us if you have any questions regarding the subject property or the water right. If a site visit seems necessary to inspect the ponds and ditches, we would be glad to meet on the property and take you or another IDWR representative to the subject ponds and ditches.

Thank-you for your attention to this matter and apprise us of your decision.

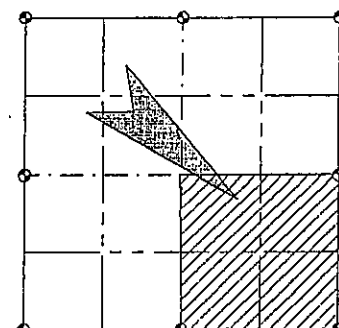
Yours truly,



Nancy J. Liebrecht, MLA
Environmental Planner



SCALE 1" = 200'



VICINITY MAP

SECTION 33, TWP. 5N, RNG. 45E, B.M.,
TETON COUNTY, IDAHO

ROAD LAYOUT BY
JOSE GOOSE ENVIRONMENTAL, LLC
8/3/04

LINE TABLE		
LINE	LENGTH	BEARING
L1	78.89	N02°03'01"W
L2	81.83	S02°10'44"W

LEGEND	
●	SECTION CORNER FOUND OR SET AS NOTED
■	PROPERTY CORNER - FOUND IRON PIN
●	BORING HOLE
+	WETUP FLAG
+	ROAD CENTER LINE FLAG
---	PROPOSED ROAD CENTER LINE
---	WETUP LINE
---	FENCE LINE
---	PROPERTY LINE

WET LANDS DELINEATION MAP

THE SE 1/4 SECTION 33, TWP. 5N, RNG. 45E, B.M.,
TETON COUNTY, IDAHO

HORACE GRAY
5004 MONUMENT AVE.
SUITE 200
RICHMOND, VA 23230
(804) 359-8444

AV ENGINEERING
255 South Main P.O. Box 139
Victor, Idaho 83455
(208) 787-2952 aveng@srr.net

PROJECT NO. 2003 - 157

SECTION 33

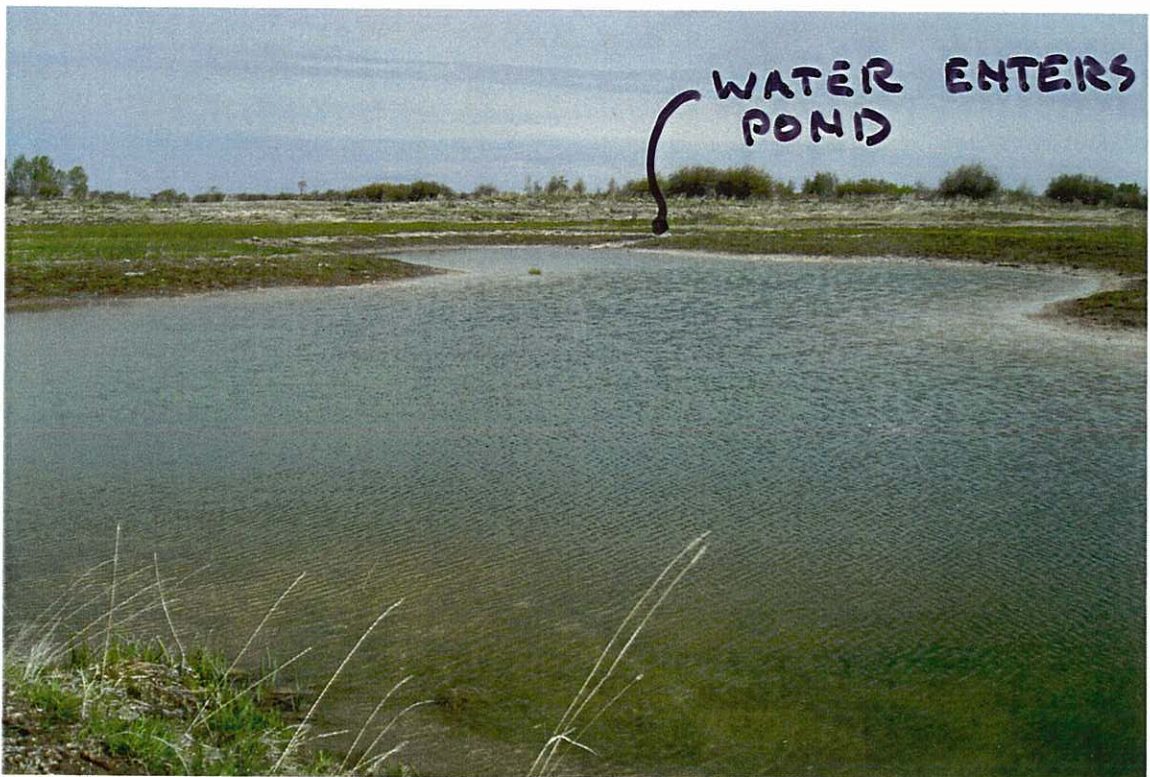
SURVEYED LLC	10/2003	BOYMET.DAT	DRAWN SRJ	11/04/03	WETLANDS2	REVISED	00/00/00
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POND LOCATIONS

FIGURE 3



1. Headgate and ditch transporting irrigation water to Pond 2.



2. Pond 2 is largely sustained by groundwater, but some irrigation water will be used to top-off pond.



3. Outflow from Pond 2.



4. Overflow from Pond 2 disperses in pasture below pond.



5. Ditch carrying irrigation water to Pond 1. Water flows from neighboring property to the east into the pond.



6. Pond 1 is also largely supported by ground water, Irrigation water (when available) helps keep the pond topped-off.



7. Water flows out of Pond 1, into culver under private gravel road, and then disapates in scrub/ shrub wetland and pasture to the west of the pond.